

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS**K. TERRELL HUTCHINS****(b)** County of Residence of First Listed Plaintiff **PHILADELPHIA**
(EXCEPT IN U.S. PLAINTIFF CASES)**(c)** Attorneys (Firm Name, Address, and Telephone Number)**Andrew M. Milz, Esquire**
Flitter Milz, PC**DEFENDANTS****MOUNTAIN RUN SOLUTIONS**
EXPERIAN INFORMATION SOLUTIONSCounty of Residence of First Listed Defendant **UTAH COUNTY, UT**
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1681

Brief description of cause:

Fair Credit Reporting Act

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

November 20, 2020

SIGNATURE OF ATTORNEY OF RECORD

/s/Andrew M. Milz

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

K. TERRELL HUTCHINS
7324 Boreal Place
Philadelphia, PA 19153

Plaintiff,

vs.

MOUNTAIN RUN SOLUTIONS, LLC.
313 E. 1200 S. Suite 102
Orem, UT 84058

and

EXPERIAN INFORMATION SOLUTIONS, INC.
601 Experian Way
Allen, TX 75013

Defendants.

CIVIL ACTION

NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, et seq., and the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692e(8).

2. The FCRA requires data furnishers to provide accurate information to credit reporting agencies and to conduct a proper investigation of disputed information. 15 U.S.C. §1681s-2.

3. The FCRA also requires credit reporting agencies to report accurate information and to conduct a proper reinvestigation of disputed information. 15 U.S.C. §1681e(b) and §1681i.

4. The FDCPA prohibits debt collectors from communicating information it knew or should have known was false. 15 U.S.C. §1692e(8).

II. JURISDICTION

5. Jurisdiction arises under 15 U.S.C. § 1681p, 1692k(d), and 28 U.S.C. §§ 1331, 1337.

III. PARTIES

6. Plaintiff K. Terrell Hutchins (“Terrell”) is a consumer who resides at the address captioned above.

7. Defendant Mountain Run Solutions, LLC (“Mountain Run”) is a foreign limited liability company with an office for the regular transaction of business at the captioned address.

8. Mountain Run regularly engages in the collection of consumer debts using the mails and telephone.

9. Mountain Run regularly attempts to collect consumer debts alleged to be due another.

10. Mountain Run is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

11. Mountain Run regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about credit transactions or experiences with consumer(s), 15 U.S.C. §1681s-2(b), and is a credit “furnisher” under the FCRA.

12. Defendant Experian Information Solutions, Inc. (“Experian”) is a foreign corporation with an office for the regular transaction of business at the captioned address.

13. Experian is a “consumer reporting agency” as defined in 15 U.S.C. § 1681a(f).

14. Experian regularly engages in the business of assembling, evaluating, and disbursing information concerning consumers for the purpose of furnishing consumer reports to third parties.

15. Experian disburses or provides such consumer reports to third parties under contract for monetary compensation.

IV. STATEMENT OF CLAIM

Inaccurate Reporting of a “Mixed” File

16. In or around May 2020, Plaintiff K. Terrell Hutchins (“Terrell”) reviewed his Experian credit report and noticed that a debt from Mountain Run he did not recognize was on his report.

17. Upon further investigation, Plaintiff learned that the alleged debt – account #10221XXXX with a reported balance of \$4019 – appeared related to a home alarm system account belong to his father, though the balance was substantially inflated.

18. Plaintiff K. Terrell Hutchins is 30 years old and has a different social security number and date of birth than his father Kelly T. Hutchins, who is 60. At the time of the disputes, Terrell also had a different mailing address.

19. Mountain Run had been inaccurately reporting a debt attributed to the father on the son’s credit report.

20. Due to Defendants’ faulty procedures, Defendants mixed the credit file of Plaintiff and that of his father with respect to the inaccurate account information and other personal identifying information.

21. By letters dated May 15, 2020, July 6, 2020, and September 2, 2020, Terrell sent written dispute letters to Experian specifically requesting that the credit bureau notify Mountain

Run that its credit tradeline was being disputed and that an investigation must result in the tradeline being deleted from Terrell's credit report.

22. Terrell's disputes specifically state "Mountain Run solutions is mistakenly attributing this debt to me. The debt belongs to my father."

23. Upon information and belief each of Terrell's disputes was transmitted by Experian via Automated Consumer Dispute Verification (or ACDV) to Mountain Run.

24. Despite Terrell's disputes, the negative information remains on his Experian consumer reports today.

25. Mountain Run and Experian failed to conduct a reasonable investigation of any of Terrell's disputes.

Governing Law

26. Plaintiff has written repeatedly to Experian to dispute its reporting of Mountain Run's false and inaccurate credit information, requesting a reinvestigation, and requesting that the inaccurate reporting be deleted.

27. Under the FCRA, the Credit Bureaus are required to report accurate information and to conduct a reasonable investigation of disputed information. 15 U.S.C. §1681e(b) and §1681i.

28. Experian failed to conduct a reasonable and adequate investigation into Plaintiff's disputed credit reporting and continued to report false and inaccurate information to any potential credit grantor who accessed Plaintiff's credit report.

29. Experian knows it has systemic problems merging or mixing credit files, yet has failed to implement practices that would resolve these systemic problems.

30. Indeed, Experian knows it has systemic problems resulting in mixing files of fathers and sons with similar names but different personal identifying information. In those cases, Experian advises consumers to send a dispute: “If your credit file does become mixed, you need to follow a simple process to separate the files.” <https://www.experian.com/blogs/ask-experian/separating-credit-reports-of-father-and-son/>. While Terrell commenced the dispute process, Experian failed to conduct any reasonable investigation on its end.

31. Experian has willfully and/or negligently failed and refused to conduct a reasonable investigation and remove the inaccurate credit information pertaining to the Mountain Run account.

32. Pursuant to 15 U.S.C. § 1681s-2(b), a furnisher of information, such as Mountain Run, has a duty upon notice of dispute to conduct an investigation with respect to the disputed information and report the results of the investigation to the consumer reporting agency. The investigation must be done reasonably and adequately.

33. Mountain Run also violated the FDCPA. At all times relevant hereto, Mountain Run knew or should have known that it was reporting false and derogatory information about Plaintiff in connection with the account. 15 U.S.C. §1692e(8).

34. Mountain Run is still reporting false and inaccurate information about the Account on Plaintiff Terrell’s credit report.

35. At all times relevant hereto Mountain Run knew or should have known that it was reporting false and derogatory information about Plaintiff in connection with the Account.

36. Mountain Run has willfully and/or negligently failed and refused to remove the inaccurate credit reporting information.

37. Mountain Run has willfully and/or negligently failed and refused to conduct a reasonable investigation of Terrell's disputes.

Defendants' Actions and Inactions Harmed Plaintiff

38. As a result of each Defendant's willful, wanton, reckless, and/or negligent action, Plaintiff has been damaged.

39. As a result of the false and derogatory information reported by each Defendant, Plaintiff has been damaged.

40. Defendants have been reporting the inaccurate information through the issuance of false and inaccurate credit information and consumer credit reports that it has disseminated to various persons and credit grantors, both known and unknown from at least May 2020 through the present.

41. Plaintiff has suffered mental anguish, emotional distress, worry, humiliation, and embarrassment as a result of Defendants' actions.

42. Plaintiff has suffered pecuniary loss, been denied credit, and expended significant time and effort trying to address the inaccurate information on his credit reports.

43. Plaintiff's attempts to have the Defendants honor his clear and proper disputes have gone unfulfilled, and his only remedy is to pursue formal legal action to enforce compliance in this Court.

COUNT I - FAIR CREDIT REPORTING ACT
(K. TERRELL HUTCHINS v. MOUNTAIN RUN SOLUTIONS, LLC)

44. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

45. Mountain Run has violated the Fair Credit Reporting Act by willfully and/or negligently failing to comply with the requirements imposed under 15 U.S.C. §1681s-2(b),

including the failure to fully and properly investigate Plaintiff K. Terrell Hutchins' disputes and by failing to correctly report results of an accurate investigation to each of the Credit Bureaus.

46. Defendants have violated the Fair Credit Reporting Act by willfully and/or negligently failing to conduct a reasonable investigation of the consumer's dispute and by reporting false credit information about Plaintiff after being put on proper notice of the inaccuracy.

WHEREFORE, Plaintiff, K. Terrell Hutchins demands judgment against Defendant Mountain Run Solutions, LLC for:

- (a) Actual and compensatory Damages;
- (b) Punitive damages;
- (c) Attorney's fees and costs;
- (d) A declaration that the reporting is false and inaccurate, and
- (e) Such other and further relief as the Court shall deem just and proper.

COUNT II - FAIR CREDIT REPORTING ACT
(K. TERRELL HUTCHINS v. EXPERIAN INFORMATION SOLUTIONS, INC.)

47. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

48. Experian willfully and/or negligently violated the provisions of the FCRA in the following respects:

- (a) by failing, in the preparation of the consumer reports concerning Plaintiff, to follow reasonable procedures to assure maximum possible accuracy of the information in the reports;
- (b) by failing to conduct a reasonable investigation or reinvestigation of Plaintiff's disputes;

- (c) By willfully and/or negligently failing to comport with FCRA sections 1681i and 1681e(b).

WHEREFORE, Plaintiff, K. Terrell Hutchins demands judgment against Defendant Experian Information Solutions, Inc. for:

- (a) Actual and compensatory Damages;
- (b) Punitive damages;
- (c) Attorney's fees and costs;
- (d) A declaration that the reporting is false and inaccurate, and
- (e) Such other and further relief as the Court shall deem just and proper.

COUNT III - FAIR DEBT COLLECTION PRACTICES ACT
(K. TERRELL HUTCHINS v. MOUNTAIN RUN SOLUTIONS, LLC)

49. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

50. Mountain Run has violated the Fair Debt Collection Practices Act by communicating or threatening to communicate to any person credit information which is known or which should be known to be false. 15 U.S.C. §1692e(8).

WHEREFORE, Plaintiff, K. Terrell Hutchins demands judgment against Defendant Mountain Run Solutions, LLC for:

- (a) Actual and statutory damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demand trial by jury as to all issues so triable.

Respectfully submitted:

Date: November 20, 2020

/s/Andrew M. Milz

CARY L. FLITTER
ANDREW M. MILZ
JODY THOMAS LÓPEZ-JACOBS
Attorneys for Plaintiff

FLITTER MILZ, P.C.
450 N Narberth Ave, Ste 101
Narberth, PA 19072
610-266-7863

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 7324 Boreal Place, Philadelphia, PA 19153

Address of Defendant: 313 E. 1200 S., Suite 102, Orem, UT 84052

Place of Accident, Incident or Transaction: Philadelphia, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ Must sign here _____
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases
 (Please specify): FCRA

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
 (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 11/20/2020 Sign here if applicable 217715
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.